

Remarks

Claims 1-30 are pending in the application. Claims 1-30 are rejected. All rejections and objections are respectfully traversed. No claims are amended.

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsukane et al. (U.S. 5,467,341 – “Matsukane”) in view of Sward, et al., (U.S. 6,545,643 – Sward).

Sward is excluded as a reference under 35 U.S.C. 103(c)

35 U.S.C. 103(c) explicitly states “Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

Further, the Guidelines state “Applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.”

The Applicant's representative respectfully states that, at the time the invention was made, the present application serial number 09/693,679 was owned by, or subject to an obligation of assignment to the same person as U.S. patent 6,545,643 to Sward, et al. As evidence, the Examiner is directed to the assignment for the present application at Reel/Frame: 011253/0464, and to the assignment for Sward, et al., at Reel/Frame: 011841/0340. Therefore, the Applicant respectfully requests the rejection based on Sward be reconsidered and withdrawn.

Matsukani Reference

The arguments submitted on October 3, 2005 in response to the office action dated June 23, 2005 and submitted on March 6, 2006 in response to the Final Rejection dated December 27, 2005 are incorporated herein in their entirety. In particular, the Applicant respectfully re-asserts that Matsukane teaches away from the claim limitation of indicating a quality level of ***reception at the radio frequency peripheral component card***, as recited in Claims 1, 11, and 21 of the present invention. Matsukane teaches that error rate is determined at the server. Claimed is determining an error rate of a digital data portion of the wireless signal that is received at a wireless receiver of the radio frequency peripheral component card. Matsukane, alone or in combination with Sward, can never be used to make the invention obvious.

It should also be noted that the Examiner indicated that the Applicant's arguments submitted on October 3, 2005 with respect to the rejections of claims 1, 11, and 21, based on Matsukane were persuasive and therefore withdrew the rejection.


Matsukane alone is referenced in the rejections of claims 2-10, 12-19 and 21-30. Therefore, as stated above, the previously submitted arguments are incorporated herein in their entirety.

It is believed that this application is now in condition for allowance. A notice to this effect is respectfully requested. Should further questions arise concerning this application, the Examiner is invited to call Applicant's attorney at the number listed below.

Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account 50-3650.

Respectfully submitted,
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By



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